

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>CHRISTIAN FIROZ,</b>	)	
	)	<b>4:06CV3281</b>
<b>Plaintiff,</b>	)	
	)	<b>MEMORANDUM AND ORDER</b>
<b>vs.</b>	)	
	)	
<b>KETV CHANNEL 7 and</b>	)	
<b>CAROL KLOSS,</b>	)	
	)	
<b>Defendants.</b>	)	

This matter is before the court<sup>1</sup> on the Defendants' Motion to Dismiss (Filing No. 8) the complaint filed by the plaintiff, Christian Firoz. In his complaint, the plaintiff sued a television station and its employee for defamation, after the defendants refused the plaintiff's demand that they retract a news item about the plaintiff. In their Motion to Dismiss, the defendants assert that this court lacks subject matter jurisdiction, as the complaint presents no federal question; the parties lack diversity of citizenship as they are citizens of the same state, and no state actor violated the plaintiff's civil rights. **See** 28 U.S.C. §§ 1331, 1332 and 42 U.S.C. § 1983.

In Filing No. 13, the court gave the plaintiff 33 days from the entry of that Order on January 17, 2007 to respond to the defendants' Motion to Dismiss. The court then extended the deadline for a response until March 26, 2007, and warned the plaintiff that, absent a timely and sufficient response, this case would be subject to dismissal without prejudice for lack of subject matter jurisdiction.

There has been no response by the plaintiff to the defendants' Motion to Dismiss or to the court's orders. The record reveals no basis for subject matter jurisdiction.

**IT IS ORDERED:**

1. The defendants' Motion to Dismiss (Filing No. 8) is granted.

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<sup>1</sup> The parties have consented to the jurisdiction of the undersigned Magistrate Judge for all purposes up to and including the entry of judgment.

2. The plaintiff's complaint and this action are dismissed without prejudice for lack of subject matter jurisdiction.

3. A judgment will be entered accordingly.

DATED this 3rd day of April, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge